

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GABRIEL MARQUEZ VARGAS,

CASE NO. 2:22-CV-01440-LK

Plaintiff,

ORDER EXTENDING INITIAL DEADLINES AND REQUIRING WORD COUNT CERTIFICATIONS

RRA CP OPPORTUNITY TRUST 1, et al.,

Defendants.

This matter comes before the Court on the parties' Stipulated Motion to Extend Initial

Discovery Deadlines. Dkt. No. 58. The deadlines for their Rule 26(f) Conference, Initial

Disclosures, and Joint Status Report and Discovery Plan all passed in February. See Dec. 13, 2022

Docket Entry. The parties suggest that they “inadvertently missed” these deadlines while briefing

Defendants' motion to dismiss and Plaintiff's motion to certify. Dkt. No. 58 at 2. After Court staff

alerted the parties of their oversight, they apparently conferred and now ask the Court to suspend

the initial scheduling deadlines until it rules on the pending motion to dismiss and motion to certify.

Id. They specifically request the following extension:

1 EVENT	2 SCHEDULED DATE	3 RESCHEDULED DATE
2 Deadline for FRCP 26(f) Conference	3 February 13, 2023	4 14 days after the Court resolves the pending motion to dismiss and motion to certify
4 Deadline for Initial Disclosures	5 February 21, 2023	6 21 days after the Court resolves the pending motion to dismiss and motion to certify
6 Deadline for Joint Status Report and Discovery Plan	7 February 28, 2023	7 28 days after the Court's resolution of the pending motion to dismiss and motion to certify

8 The Court grants the stipulation and extends the initial deadlines accordingly. It also
 9 cautions the parties against similar conduct in the future. This belated request to extend the
 10 deadlines after they passed—and only once Court staff alerted the parties of their oversight—is
 11 disrespectful to the Court and wasteful of scarce judicial resources. Other more diligent parties
 12 await their turn.

13 To ensure that this sort of misconduct does not occur again, the Court finds it necessary to
 14 note two rules implicated by the parties' request. The first is Federal Rule of Civil Procedure
 15 6(b)(1)(B), which permits an extension of time after a deadline has passed only upon a showing of
 16 excusable neglect. The parties here assert that they "inadvertently missed the initial court deadlines
 17 and the joint status report deadline" because they were briefing their pending motions. Dkt. No.
 18 58 at 2. To the extent it even makes sense that a party would miss deadlines simply because
 19 motions unrelated to those deadlines have been filed, mere inadvertence generally does not
 20 constitute excusable neglect. *See Pioneer Inv. Serv. Co. v. Brunswick Assoc. Ltd. P'ship*, 507 U.S.
 21 380, 392 (1993). Next is Local Civil Rule 7(j), which directs that a motion for relief from a deadline
 22 "should, whenever possible, be filed sufficiently in advance of the deadline to allow the court to
 23 rule on the motion prior to the deadline." Parties may not assume that the motion will be granted
 24 and "must comply with the existing deadlines unless the court orders otherwise." LCR 7(j). The

1 Court need not belabor its analysis with respect to this latter directive. It suffices to observe that a
2 stipulation submitted days after the deadlines have passed violates the rule.

3 As a final matter, the Court notes that Plaintiff's motion for a TRO and motion to certify
4 violate Local Civil Rule 7(e). Effective February 1, 2023, motions filed in the Western District of
5 Washington are subject to word counts. *See* General Order No. 02-23. And “[w]hen word limits
6 apply, the signature block shall include the certification of the signer as to the number of words,
7 substantially as follows: ‘I certify that this memorandum contains ___ words, in compliance with
8 the Local Civil Rules.’” LCR 7(e)(6). Neither of Plaintiff's filings contain such a certification.
9 Accordingly, no later than March 17, 2023, Plaintiff must file a certification of word count for
10 each of his motions. These certifications must identify any overlength portions of the motions.

11 The Court expects strict adherence to the Local Civil Rules, the Federal Rules of Civil
12 Procedure, and its Standing Order for All Civil Cases. Future infractions of the rules or disregard
13 for deadlines may result in sanctions, and the Court will summarily strike motions that fail to
14 comply with Local Civil Rule 7(e).

15 Dated this 13th day of March, 2023.

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17 Lauren King
18 United States District Judge
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